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TRUDI G. MANFREDO, Bar No. 166474
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In the Matter of)	Case No. 12-17575-B-7
)	
)	Chapter 7
DANIEL STANLEY GOMES)	
aka Stan Gomes, dba M.F.)	DC#: TMT-2
Gomes & Sons Dairy, dba)	
Gomes and Gomes and)	
DIANE MARIE GOMES, aka)	Date: May 29, 2013
Diane M. Gomez,)	Time: 10:00 a.m.
)	Dept.: B, Courtroom 12,
Debtors.)	Fresno
)	Honorable W. Richard Lee

MOTION TO SELL PERSONAL PROPERTY

Trudi G. Manfredo, Chapter 7 Trustee of the above-referenced bankruptcy estate ("Trustee") of DANIEL STANLEY GOMES and DIANE MARIE GOMES ("Debtors"), brings this Motion to Sell Personal Property and respectfully represents as follows:

1. Trustee is the duly appointed, qualified and acting Trustee of the above-referenced bankruptcy estate.

2. Debtors filed under Chapter 7 of the Bankruptcy Code on August 31, 2012, and an order for relief was entered.

3. This Court has jurisdiction over this proceeding under 28

1 U.S.C. §1334(a). This is a core proceeding under 28 U.S.C.
2 §157(b)(2)(A). This motion is brought pursuant to 11 U.S.C. §363.
3 Venue is proper in this Court pursuant to 28 U.S.C. § 1409(a) by
4 virtue of the pendency of this case before the Court.

5 4. Among the assets of this bankruptcy estate are a 2007
6 Chevrolet Silverado ("Silverado"), VIN 2GCEC19C471682718, License
7 Number 8M04357, and a 2008 GMC Acadia ("Acadia"), VIN
8 1GKER23768J184158, License Number 5ZCY250 ("Personal Property").

9 5. Trustee's agent values the Silverado at \$7,500.00, which is
10 unencumbered, and Debtors have claimed an exemption of \$725.00.

11 6. Trustee's agent values the Acadia at \$17,500.00. There is
12 a lien on the Acadia of \$11,000.00, and Debtors have claimed an
13 exemption of \$2,000.00.

14 7. Trustee has received and accepted an offer from the Debtors
15 to purchase the non-exempt equity in the Personal Property for
16 \$10,000.00. Trustee is currently holding these funds pending Court
17 approval of the sale.

18 8. Trustee believes that this is a fair and equitable price
19 for the Personal Property. If the Trustee were to auction and
20 receive full value for the Personal Property at those values, after
21 paying 15% commission of \$3,750.00, the Debtors' exemptions of
22 \$2,725.00, and the Debtors' lien of \$11,000.00, approximately
23 \$7,525.00 would be generated to the bankruptcy estate.

24 9. The price to be received at auction is never certain, and
25 the delay involved in auctioning these assets is not warranted.

26 10. There will be no adverse tax consequences to the estate as
27 a result of the sale.

28 11. Based on her business judgment, Trustee believes that the

1 sale of the above-described Personal Property is in the best interest
2 of the creditors of this estate and all parties in interest.

3 12. Trustee requests that the provisions of Bankruptcy Rule
4 6004(h) be waived.

5 WHEREFORE, Trustee prays

6 1. That the Motion be granted;

7 2. That the Court issue an order authorizing the sale of the
8 Bankruptcy Estate's interest in the above Personal Property to
9 Debtors for \$10,000.00;

10 3. That the provisions of Bankruptcy Rule 6004(h) be waived;
11 and

12 4. For such other and further relief as the Court deems just
13 and proper.

14 DATED: April 17, 2013

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16 By /s/ Trudi G. Manfredo
17 TRUDI G. MANFREDO,
18 Chapter 7 Trustee
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